

Item # _____

Prepared by: Kelley Thomas and Robert Rolwing

Approved by: Kelley Thomas and Robert Rolwing

RESOLUTION TO AMEND A RESOLUTION ADOPTING THE SHELBY COUNTY COMPENSATION POLICY FOR FISCAL YEAR 2008/2009, ADOPTED AS ITEM NO. 32 ON JULY 21, 2008, SPECIFICALLY TO INCORPORATE THE RESOLUTION TO ESTABLISH A HIRING FREEZE UNTIL JUNE 30, 2009, ELIMINATE RECLASSIFICATIONS FOR THE SAME PERIOD, REMOVE ALL POSITIONS VACANT FOR 90 DAYS OR LONGER AS OF MAY 31, 2008, FROM THE FISCAL YEAR 2009 DEPARTMENT BUDGETS AND TO PROVIDE A PROCESS TO ALLOW FOR NECESSARY EXCEPTIONS, ADOPTED AS ITEM NO. 40 ON JUNE 2, 2008.

SPONSORED BY COMMISSIONER JOE FORD

WHEREAS, This Board of County Commissioners adopted Item No. 40 on June 2, 2008, being a Resolution to Establish a Hiring Freeze Until June 30, 2009, Eliminate Reclassifications for the Same Period, Remove All Positions Vacant for 90 Days or Longer as of May 31, 2008, From the Fiscal Year 2009 Department Budgets and to Provide a Process to Allow for Necessary Exceptions (“Hiring Freeze Resolution”); and

WHEREAS, This Board of County Commissioners adopted Item No. 32 on July 21, 2008, being a Resolution Approving the Shelby County Compensation Policy for Fiscal Year 2008/2009 (“Compensation Policy,” also known as the 2008/2009 Shelby County “Salary Policy”); and

WHEREAS, Questions and litigation have arisen over the application of the Hiring Freeze Resolution as part of the Compensation Policy, and in order to avoid further questions and to clarify and reinforce the current Compensation Policy’s reference to and incorporation of the Hiring Freeze Resolution (as provided in the Compensation Policy, Exhibit A, at Section

XVII, p. 20), and to ensure that all persons know that the Hiring Freeze Resolution is and was always meant to be an integral part of the Compensation Policy for Fiscal Year 2008/2009, and that the two should be read in conjunction with each other and interpreted together, specifically but not limited to the requirement that filling vacancies be made exclusively according to the committee procedure in the Hiring Freeze Resolution;

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the Resolution Approving the Shelby County Compensation Policy for Fiscal Year 2008/2009, adopted as Item No. 32 on July 21, 2008, is hereby re-adopted in full and is further hereby amended to incorporate by reference and in full, at Exhibit A, Section XVII, the Resolution to Establish a Hiring Freeze Until June 30, 2009, Eliminate Reclassifications for the Same Period, Remove All Positions Vacant for 90 Days or Longer as of May 31, 2008, From the Fiscal 2009 Department Budgets and to Provide a Process to Allow for Necessary Exceptions, adopted as Item No. 40 on June 2, 2008. A copy of the Hiring Freeze Resolution is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, That this Board of County Commissioners always meant for the Compensation Policy, which explicitly referred to the Hiring Freeze Resolution (at Exhibit A, Section XVII, p. 20), to be read together with the Hiring Freeze Resolution as part of the Compensation Policy, and that this Resolution does not change this Board's intention in that regard but only confirms and clarifies it.

BE IT FURTHER RESOLVED, That this Resolution shall become effective upon signature of the Mayor, the welfare of the public requiring same.

BE IT FURTHER RESOLVED, That any phrase or portion of this Resolution or the constituent Resolutions that may be declared unlawful shall be elided with no effect on the lawfulness or effectiveness of the remaining portions of these Resolutions.

A C Wharton, Jr., County Mayor

Date: _____

ATTEST:

Clerk of County Commission

ADOPTED: _____